



Application No. 10/073,446

Response to Office Action Dated July 8, 2003

In Reply to USPTO Office Action dated April 8, 2003

Attorney Docket No. 3139-011867

#3  
7/18/03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.	:	10/073,446	<b>RECEIVED</b>
Applicant	:	Andrew R. Jamieson	JUL 17 2003
Filed	:	February 11, 2002	TECH CENTER 1600/2900
Title	:	Strawberry Variety Named <b>'CABOT'</b>	
Group Art Unit	:	1661	
Examiner	:	Michelle R. Kizilkaya	

MAIL STOP NON-FEE AMENDMENT  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

Sir:

In response to the Office Action dated April 8, 2003, Applicant submits the following remarks:

**Response Under 37 C.F.R. § 1.105** begins on page 2 of this paper.

**Remarks** begin on page 3 of this paper.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on July 8, 2003.

Theresa Ulinski

(Name of Person Mailing Paper)

Signature

07/08/2003

Date

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**RESPONSE UNDER 37 C.F.R. § 1.105**

The undersigned is advised that the claimed variety was first publicly available in Canada after June 2, 1998. 'Cabot' has never been commercialized, nor available for public use in any other country, including the United States. Additionally, the following documents are submitted:

- Plant Varieties Journal (the official record of the Canadian Plant Breeder's Rights Office), April 1997, No. 23, Page 12, identifying the date of application for 'K92-17' ('Cabot').
- Plant Varieties Journal, October 1997, No. 25, Pages 44-46, published proposed denomination for 'Cabot'.
- Plant Varieties Journal, July 1998, No. 28, Page 6, indicating grant of Canadian Plant Breeder's Right for 'Cabot'.